

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 3, 2000
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Linda Steinman
Bob Workman

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 26, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Hudkins moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated September 26, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 7 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Workman moved and Heier seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

**The Arc of Nebraska
Food Bank of Lincoln, Inc.
Madonna Rehabilitation Hospital
Sacred Heart Church**

MOTION: Steinman moved and Heier seconded approval of motor vehicle tax exemptions for The Arc of Nebraska, Food Bank of Lincoln, Inc. and Madonna Rehabilitation Hospital and to also approve a motor vehicle tax exemption for Sacred Heart Church, subject to the vehicle(s) being titled and registered to the applicant. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **SETTING OF PUBLIC HEARINGS FOR NOTICE OF VALUATION CHANGE:**

Setting of public hearings for Tuesday, October 17, 2000 at 2:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding notice of valuation change for omitted or undervalued property for the following:

**Robert Flansburg Chapter 7 DAV
Darrell J. and Beverly J. McGhghy**

MOTION: Heier moved and Steinman seconded to set public hearings for October 17, 2000 at 2:30 p.m. for notice of valuation change for omitted or undervalued property for Robert Flansburg Chapter 7 DAV and Darrell J. and Beverly J. McGhghy. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR THE FOLLOWING:**

Jim Mooreland

The County Assessor recommended that the value be set at \$1,326.

MOTION: Steinman moved and Heier seconded to accept the County Assessor's recommendation and set the value at \$1,326 for Jim Mooreland. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

6) **ADJOURNMENT**

MOTION: Heier moved and Steinman seconded adjournment of the Board of Equalization meeting. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
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Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Linda Steinman
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 26, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Steinman moved and Heier seconded approval of the Board of Commissioners minutes dated September 26, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, October 3, 2000.**

MOTION: Hudkins moved and Steinman seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **PUBLIC HEARINGS:**

A. Continuation of a public hearing regarding an application for a Class M (Bottle Club) liquor license from DLH Inc. doing business as Coaches Sports Bar & Grill, located at 640 West Prospector Court in Lancaster County, Nebraska.

The Chair reconvened the public hearing and stated no additional written information was received in the County Board office.

It was also noted that the Clerk's office had not received any calls or information.

3) **PUBLIC HEARINGS CONTINUED:**

Steinman commented that DLH, Inc. had contracted with DTR to open Cheetahs, therefore, the license belonging to DLH, Inc. is also the license that serves DTR. Under the DLH license, she said, Cheetahs has been involved in business practices which are unlawful in accordance with County Resolution 3557. Steinman submitted a copy of an advertisement from the September 30th edition of the *Journal Star* newspaper (Exhibit A) which stated the following: "Our ladies DO NOT and WILL NOT Wear Pasties." She stated wearing pasties and covering the nipple area and any portion of the breast below the nipple is part of the County resolution.

There was no further testimony and the Chair closed the public hearing.

MOTION: Hudkins moved and Heier seconded denial of the application for a Class M liquor license from DLH Inc. doing business as Coaches Sports Bar & Grill located at 640 West Prospector Court in Lancaster County, Nebraska and to request the County Attorney's office prepare a resolution to be adopted October 10, 2000.

Steinman added that the County Board should not approve a new license for DLH because there have been violations under the existing license according to County Resolution 3557. She stated that there would also be an issue as to whether they would abide by the resolution under the new license.

Other areas of concern addressed by Steinman were as follows:

- The proximity of Cheetahs in relation to the new licensed premises
- The purchase of drinks at Coaches by patrons of Cheetahs

Workman concurred with Commissioner Steinman's comments and stated he was concerned that the new application doesn't address the empty space between the convenience store and Coaches.

Campbell stated the County Board hears reports and recommendations from the Sheriff's office in relation to liquor license applications. She explained that last week the report from the Sheriff's office indicated that a recommendation could not be made because of alleged violations. Campbell stated she took the report very seriously and has, in past years, relied heavily on the Sheriff's reports. She stated she concurred with the motion to deny.

Hudkins stated one reason he made the motion was because there was no demonstrated need for the license. He also stated that the consensus of the community is that they do not want another liquor establishment in their neighborhood.

3) **PUBLIC HEARINGS CONTINUED:**

Heier stated he concurred with many of the comments made by the Commissioners.

ROLL CALL: Steinman, Workman, Heier, Campbell and Hudkins voted aye.
Motion carried.

B. Comprehensive Plan Amendment No. 94-59, requested by the Director of Planning, to amend "Chapter 4, Transportation" as identified in the Review Draft Report: Long Range Transportation Plan (LRTP), dated July 31, 2000, and associated maps, figures and other supporting documentation as identified in the draft report, which is submitted under separate cover.

The Chair opened the public hearing.

Mike Brienzo, Planning Department, highlighted the following areas of the Long Range Transportation Plan (LRTP):

- South and east beltways remain in the plan as a study, as well as the Antelope Valley Roadway project
- Interstate 80 has been identified for six lanes
- East "O" project is identified and is under design
- Expansion of the current urban arterial grid system into the future urban growth areas to the north and south
- Widening of Highway 2 from four to six lanes from South 40th to Van Dorn Street
- Upgrading of West Lincoln area grid, including an overpass at Southwest 40th Street
- Proposed "Capacity Enhancement Study Areas" for North 1st Street and North 14th Street and for North 70th Street and North 84th Street
- "Needs Analysis Study Areas" for the following:
 - Highway 34 in northwest Lincoln
 - South 14th Street from Highway 2 and Old Cheney Road
 - Antelope Valley - Interstate 180 connection
 - Humphrey-Pennsylvania Avenue between North 1st Street and North 14th Street
 - Yankee Hill Road - Highway 77 connection, bridging Wilderness Park

3) **PUBLIC HEARINGS CONTINUED:**

Brienzo indicated that the City Council approved Comprehensive Plan Amendment 94-59 on October 2, 2000 with the following amendment to the section defining a "Needs Analysis Study Area": "If necessitated, the proposed Needs Analysis Study for a potential roadway crossing of Wilderness Park shall give special consideration to the unique environmental character of the park and the previous planning efforts that have occurred for this area." Submitted into the record by Brienzo was a memo from Kathleen Sellman, Planning Director, regarding the additional amendment (Exhibit B).

In response to a question asked by Heier regarding 98th Street, Brienzo stated it has been identified as a rural roadway from Old Cheney Road to U.S. Highway 6, including 2.5 miles of roadway which is currently not shown, a one mile segment south of "O" Street, a one mile segment north of "O" Street and a quarter mile segment north of Adams Street to Benton.

Don Thomas, County Engineer, addressed potential paving and noted that there were very few changes in the plan. He stated they did add the potential road opening on 98th Street and two pieces of Bluff Road in northwestern Lancaster County. Other changes are the addition of viaducts at Hickman and Firth, road widenings on South 68th Street and North 14th Street.

Mike Morosin, 2055 "S" Street, appeared and submitted comments on the Antelope Valley Study from the Malone Neighborhood Association (Exhibit C).

Tim Knott, concerned citizen, appeared in opposition of the Long Range Transportation Plan including a "Needs Analysis Study" of the proposed bridge over the Wilderness Park area. He read into the record a portion of a letter which was submitted to the Planning Commission and was written by Phyllis Hergenrader (see page ten of the County Board Factsheet filed in the County Clerk's office).

Terrence Kubicek, 1800 South 53rd Street, appeared and asked the County Board to delete the "Needs Analysis Study" for a Wilderness Park crossing at Yankee Hill Road. He noted that there was a previous study and stated if a Yankee Hill bridge is constructed, it would likely undermine the Benefit Cost Analysis for the beltway. Kubicek stated it would be better to leave the remaining streets open or expand their right-of-way to carry additional traffic and expand buffers to provide additional protection to the park as the right-of-ways are expanded to carry additional traffic.

3) **PUBLIC HEARINGS CONTINUED:**

Richard Halvorsen, 6311 Inverness Road, appeared in opposition to the Wilderness Park bridge. He agreed existing roads should remain open or that their right-of-ways be expanded to carry additional traffic.

Dave Johnson, Deputy County Attorney, requested that *"Chapter 4, Transportation" City-County Comprehensive Plan (a.k.a., Long Range Transportation Plan)* (Exhibit D) be submitted into the record.

The Chair asked if there was further testimony.

No one appeared and the hearing was closed.

MOTION: Hudkins moved and Heier seconded approval of the Long Range Transportation Plan, excluding the amendment to the section defining a "Needs Analysis Study Area".

Hudkins stated he felt that the needs of the community should be served and that the use of existing roads should be considered.

In response to questions asked by Hudkins regarding the amendment, Roger Figard, City Engineer, explained that the concern of the City Council was that the previous work conducted not be invalidated. He stated if the transportation system clearly shows a necessary need isn't being met on another corridor, the amendment would allow them to continue to study the possibility of a Wilderness Park bridge as a possible alternative to alleviate traffic.

Kent Morgan, Planning Department, stated they are moving toward a new Comprehensive Plan environment and explained that part of their interest in bringing the amendment forward was to communicate to the community that there is a possibility that they may need to look into a roadway crossing of Wilderness Park because things may change.

The maker of the motion withdrew the previous motion and the seconder agreed.

3) **PUBLIC HEARINGS CONTINUED:**

MOTION: Hudkins moved and Steinman seconded approval of Comprehensive Plan Amendment 94-59 with the addition of the following amendment to the section defining a "Needs Analysis Study Area", "If necessitated, the proposed Needs Analysis Study for a potential roadway crossing of Wilderness park shall give special consideration to the unique environmental character of the Park and the previous planning efforts that have occurred for this area." Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

C. Comprehensive Plan Amendment No. 94-45, requested by the Director of Planning, to incorporate by reference the "Greater Arnold Heights Area Neighborhood Plan" and to amend the Lincoln Land Use Plan accordingly.

The Chair opened the public hearing.

Tim Keelan, Hanna:Keelan Associates, appeared and gave a brief overview of documentation entitled *Greater Arnold Heights Area Neighborhood Plan*.

Campbell asked if differences, which were articulated in a letter from the Lincoln Airport Authority, had been resolved.

Keelan responded that they dropped the recommendation on the commercial site on the northwest corner of Adams Street and extended the buffer zone down to Holdrege Street. He stated that the neighborhood is very concerned about what occurs to the development which is located on the east side of Northwest 48th Street.

Keelan stated he felt they involved the Airport Authority in the process.

Steve Henrichsen, Planning Department, informed the County Board that the City Council made the following amendment: Amended Figure 3 "As approved by Planning Commission" to reflect a compromise between the Arnold Heights Plan Steering Committee and the Lincoln Airport Authority.

Campbell noted that John Wood, Executive Director of the Lincoln Airport Authority, requested the public hearing be recessed until Tuesday, October 10, 2000.

3) **PUBLIC HEARINGS CONTINUED:**

Dave Johnson, Deputy County Attorney, requested that the *Greater Arnold Heights Area Neighborhood Plan* (Exhibit F) and the amendment (Exhibit E) as approved by the City Council be submitted and made a part of the record.

The Chair asked if anyone else wanted to provide testimony.

No one appeared and the Chair recessed the hearing until Tuesday, October 10, 2000 at 1:30 p.m.

4) **OLD BUSINESS:**

A. A political subdivision tort claim filed against Lancaster County by Jeffrey B. Lapin on behalf of Rachel Quintana, in the amount of \$500,000.

MOTION: Steinman moved and Heier seconded to deny the political subdivision tort claim filed against the County by Jeffrey B. Lapin on behalf of Rachel Quintana. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

B. An agreement for the purchase of real estate from 46th Street Partners L.L.C. for a 5,000 square foot office space. The location is between Burlington Credit Union on North 46th Street and the Lancaster County Motor Vehicle Facility at 625 North 46th Street. The County will pay \$575,000 for the property subject to conditions as outlined in the agreement. (C-00-470)

MOTION: Steinman moved and Heier seconded approval. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

5) **NEW BUSINESS:**

A. Grant contracts with the following:

- **Cedars Youth Services, in the amount of \$62,400, for services as a day reporting center, beginning September 1, 2000 through August 31, 2001. (C-00-479)**
- **Berniklau Educational Solutions Team, in the amount of \$100,800, for day reporting services, beginning September 1, 2000 through August 31, 2001. (C-00-478)**
- **Peoples City Mission, in the amount of \$30,000, for the family/women's shelter program, beginning July 1, 2000 through June 30, 2001. (C-00-477)**
- **Lincoln Council on Alcoholism and Drugs, in the amount of \$31,957, for the prevention of substance abuse from July 1, 2000 through June 30, 2001. (C-00-476)**

MOTION: Steinman moved and Heier seconded approval. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

B. An agreement with Family Service Association for wraparound services to no more than ten families at a time, to assist the child to remain in the community without involvement or further involvement in the juvenile justice system, beginning September 1, 2000 through August 31, 2001. The County will pay \$50,000. (C-00-471)

MOTION: Workman moved and Steinman seconded approval. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

C. An agreement for temporary nursing services with Interim HealthCare for the Corrections Department. The County will pay for services as provided in Appendix "A" of the agreement. Term of the contract is one year from the date of execution. (C-00-474)

MOTION: Steinman moved and Heier seconded approval. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

D. A contract with StarMed Health Personnel for temporary nursing services at the Corrections Department. The County will pay rates as provided in attachment "A". Term of the contract is for one year from date of execution. (C-00-475)

MOTION: Steinman moved and Workman seconded approval. Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

E. A joint funding agreement with the United States Department of the Interior for water resources investigations and computation of records at the following gauging stations: Salt Creek at Roca, Little Salt Creek near Lincoln, Stevens Creek near Lincoln and Rock Creek near Ceresco. The County will pay \$7,040 for the term of the agreement from October 1, 2000 to September 30, 2001. (C-00-473)

MOTION: Workman moved and Hudkins seconded approval. Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

F. A change order/supplemental agreement with S.P. Olson Enterprises, Inc. to provide for rebuilding two concrete support posts for attaching the new bridge approach guardrail sections on Cannongate Road; Project 00-46. The County will pay an additional \$2,315.50. (C-00-484)

MOTION: Steinman moved and Hudkins seconded approval. Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

G. An agreement with Annette Thompson, an employee of the Attention Center for Youth, to reimburse the County for \$555.07, which was overpaid to Ms. Thompson due to a clerical error. (C-00-481)

MOTION: Hudkins moved and Steinman seconded approval. Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

H. An amendment extending the child support enforcement agreement with the Nebraska Department of Health and Human Services for a one-year period, expiring September 30, 2001. All other terms and conditions of the agreement remain the same. (C-00-480)

MOTION: Workman moved and Hudkins seconded approval. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

I. A resolution in the matter of striking uncollectible personal property tax from the tax list. (R-00-119)

MOTION: Steinman moved and Heier seconded approval of Resolution 00-119. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

J. A resolution in the matter of witness fees paid by Lancaster County which have remained unclaimed for six months or more. (R-00-120)

MOTION: Heier moved and Steinman seconded approval of Resolution 00-120. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

K. A resolution in the matter of amending the by-laws of the Lancaster County Commissioners' Award of Excellence program. (R-00-121)

MOTION: Steinman moved and Workman seconded approval of Resolution 00-121. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

L. Approval of notice to proceed for Walton Construction Inc. for grading, sanitary sewer, water main and paving at the new Juvenile Detention Center. (B-00-32)

MOTION: Heier moved and Steinman seconded approval. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

M. Settlement of a lawsuit, in the amount of \$5,000, filed by Timothy Schrader.

MOTION: Heier moved and Workman seconded approval. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

N. A request from Dale Harlan for a refund of real taxes for 1998, in the approximate amount of \$8.04 and a credit of approximately \$9.06 for 1999. (M-00-88)

MOTION: Heier moved and Workman seconded approval. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

O. A political subdivision tort claim filed against Lancaster County by Cynthia J. Fixemer, in the amount of \$24.27, for damaged property.

MOTION: Steinman moved and Heier seconded to deny the tort claim filed by Cynthia J. Fixemer because no negligence was found on the part of the County. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

P. Appointment of Pat Hardesty and Francis Erb to the Visitors Promotion Advisory Committee for four year terms commencing July 1, 2000 and the rescission of the reappointment of Jerry Barnes.

MOTION: Steinman moved and Workman seconded approval. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

6) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. Annual report from the County Engineer to the Nebraska Board of Road Classifications and Standards.

B. Setting of a public hearing for Tuesday, October 24, 2000 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding County Special Permit 184, requested by Kathleen Itzen, to operate a child care facility/private school on property generally located at Northwest 112th Street and Highway 34 in Lancaster County, Nebraska.

C. An agreement with the Lincoln League of Women Voters for assistance at voter registration sites and to provide election night workers throughout Lancaster County, beginning September 1, 2000 through August 31, 2001. The County will pay \$3.25 an hour not to exceed \$2,500. (C-00-472)

D. Right-of-way contracts between the County Engineer and A. Bruce and Fern Simon, in the total amount of \$73.20, at a location on Southwest 29th Street near Martell Road in Lancaster County, Nebraska; Project C.P. T-10. (C-00-482 and C-00-483)

MOTION: Steinman moved and Heier seconded approval of the Consent Items. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

7) **OTHER BUSINESS:**

Kerry Eagan, Chief Administrative Officer, stated Dan Ludwig had visited with him regarding a recommendation from the Ecological Committee that the County Board support Comprehensive Plan Amendment 94-58 dealing with the Lincoln Fringe Area Primary Public Way Corridors. He told the Board that the Planning Commission would hear the item on Wednesday, October 4, 2000.

Eagan stated he would write a letter to the Planning Commission indicating that the Ecological Committee has reviewed the amendment and has offered their support.

Campbell suggested that the Board convey to the Planning Commission that the Ecological Committee supports Comprehensive Plan Amendment 94-58 and that the Ecological Committee can provide comment when the County Board holds the public hearing on the amendment.

8) **ADJOURNMENT**

MOTION: Heier moved and Workman seconded adjournment of the Board of Commissioners meeting. Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk